

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying printed matter were false and misleading since the articles were not effective for the purposes stated and implied. The statements represented that the articles were effective to prevent and correct tuberculosis, rickets, acidosis, headaches, asthma, congestion, indigestion, kidney disorders, nervousness, skin diseases, underweight, constipation, infection, obesity, low vitality, impatience, neuritis, skin disease, anemia, many degrees of eye trouble, nervous diseases, paralysis, muscular diseases, loss of weight, underdeveloped bones and teeth in children, mental slowness, bad nerves, mental depression, stomach ulcer, bone deformities, bad teeth, fatigability, behavior disturbances, nonadaptability, chronic gastritis, hyperacidity, diabetes, overweight, arthritis, heart diseases, lumbago, gland trouble of all sorts, reduced resistance to other diseases, severe colds, rheumatic heart diseases, bad blood, biliousness, slow digestion, stomach gas, heart palpitation and many other troubles caused by an overworked liver, poor memory, mental fatigue, catarrh, hardening processes, iron insufficiency, old-age deposits, neurasthenia, piling up of impurities, failure of liver to handle its materials, pain, pyorrhea, auto-intoxication, excess fat, pimples, failure of sores to heal, liver disorders, restlessness, toxic conditions, undue accumulation of waste matter, bad eyesight, baldness, gray hair, bad complexion, rundown weakened condition, poor resistance, sterility, lameness, and poor joints.

DISPOSITION: September 26, 1950. Default decree of forfeiture and destruction.

3258. Misbranding of Blanche Dunlap's massage cream and Mor-Hair scalp treatment. U. S. v. 44 Bottles, etc. (F. D. C. No. 29379. Sample Nos. 67731-K to 67733-K, incl.)

LIBEL FILED: July 5, 1950, District of Utah.

ALLEGED SHIPMENT: On or about March 15, 1950, by Blanche Dunlap, Inc., Brown Palace Hotel Beauty Sales, from Denver, Colo.

PRODUCT: 44 4-ounce bottles of *Blanche Dunlap's massage cream*, and 10 cartons, each containing 2 4-ounce bottles and 1 4-ounce jar, of *Mor-Hair Scalp Treatment* at Salt Lake City, Utah, together with a number of leaflets entitled "The Mor-Hair Scalp Treatment."

RESULTS OF INVESTIGATION: The leaflet was received by the consignee from Blanche Dunlap, Inc., about four years previous to the seizure of the scalp treatment.

Analyses showed that the *Blanche Dunlap's massage cream* consisted essentially of castor oil, glycerin, and isopropyl alcohol, and that the *Mor-Hair scalp treatment* consisted essentially of the following: ("Trick 1") kerosene and saponifiable oils, such as olive oil and castor oil; ("Trick 2") creosote, mineral oil, and saponifiable oils; and ("Trick 3") petrolatum, with a small proportion of saponifiable oil.

LABEL, IN PART: (Bottle) "Blanche Dunlap's Massage Cream"; (carton) "Mor-Hair Scalp Treatment"; (bottle) "Blanche Dunlap's Trick 1" [or "Trick 2"]; and (jar) "Blanche Dunlap's Trick 3."

NATURE OF CHARGE: *Blanche Dunlap's massage cream.* Misbranding, Section 502 (a), the label statements "Now something can be done to glamorize your figure. Ask about the guaranteed Breast Massage Treatment. Let us help you to get the contour you desire" were false and misleading since the article

was not effective for the purposes stated and implied; and, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient and failed to declare the amount of isopropyl alcohol contained therein. The article was misbranded in the above respects when introduced into, and while in, interstate commerce.

Mor-Hair scalp treatment. Misbranding, Section 502 (a), the statement on the carton label "The Mor-Hair Scalp Treatment Keys to luxuriant healthy hair" was false and misleading since the article was not effective for the purposes stated and implied. Further misbranding, Section 502 (a), certain statements in the above-mentioned leaflet accompanying the scalp treatment were false and misleading since the statements represented and suggested that the article was an adequate and effective treatment for baldness, dandruff, itchy scalp, and scalp disorders; and that it would maintain a healthful condition of the scalp and restore original color to dull and faded hair, whereas the article was not effective for the purposes stated and implied. The article was misbranded by reason of the statement on the carton label when introduced into, and while in, interstate commerce, and it was misbranded by the statements in the leaflet while held for sale after shipment in interstate commerce.

DISPOSITION: August 25, 1950. Default decree of condemnation. The court ordered that the products be disposed of by the United States marshal; accordingly, they were destroyed.

3259. Misbranding of Niagara devices. U. S. v. 31 Devices, etc. (F. D. C. No. 29074. Sample Nos. 71473-K, 71481-K, 71494-K, 71495-K.)

LIBEL FILED: April 21, 1950, Southern District of California; amended libel filed April 26, 1950.

ALLEGED SHIPMENT: On or about March 3 and April 12 and 20, 1950, by the Niagara Mfg. & Distributing Corp., from Buffalo, N. Y.; and on or about April 12, 1950, by the Niagara Massage Units Co., from Houston, Tex.

PRODUCT: 31 *Niagara Portable Model No. 2* devices and 11 *Niagara Hand Unit No. 1* devices, together with accompanying printed matter at Hollywood, Calif., in possession of the Niagara Units Co. Examination showed that the devices consisted of a vibrating electric motor mounted either in a metal cylinder (hand unit) or in an upholstered box (portable unit).

LABEL, IN PART: "Niagara of Adamsville Pennsylvania Portable Model No. 2 [or "Hand Unit No. 1"]."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in an accompanying circular entitled "Feel Better Look Years Younger" and similar statements in an accompanying circular entitled "Niagara Massage Units For Home Use" were false and misleading since the devices were not effective for the purposes stated and implied: "Feel Better Look Years Younger right in your own home the easy Niagara Way Reduce * * * The Portable Unit * * * to help you relieve those aching feet and legs, sore muscles, stiff joints * * * lack of vitality. * * * The Hand Unit can be used to * * * smooth out wrinkles * * * The Hand Unit is an indispensable aid for relieving that tired aching soreness across the shoulders and the back of the neck." The devices were misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.